

CASE-LAW ANALYSIS
POACHING AND ILLEGAL WILDLIFE TRADE IN TANZANIA

GENERAL INFORMATION ABOUT THE CASE	
Case number	Economic Case No. 13 of 2008
Court	Resident Magistrate Court of Arusha
Year (date)	2008
Name of the judge	Hon. A.A Shakala, RM
Name of the parties	R v. Nicodemus Sulumo
Prosecuting authority (DGOs, state attorney, police...)	State Attorney
Representation of accused person (lawyer?)	Nil
Transnational elements (Citizen/non-citizen, cross-border offence...)	Nil
Defendants (age, gender...)	Male, 31 years
History of the case	
Facts	<p>On and about the 6th May 2008, at Emboreti area within Simanjiro District in Manyara region the accused person was found in possession of a Grant gazelle meat by the Anti-Poaching Unit during routine patrol. The accused person was riding a bicycle with a bucket on it. Upon being stopped, the Unit found gazelle meat in the bucket. However, the accused person claimed that the bucket contained goat meat that he obtained from his uncle. A ten cell leader of the area was informed and later the accused was taken to the Anti-Poaching Unit office in Arusha for further legal actions.</p> <p>During trial the accused retracted the confession statement given before the Anti-Poaching Unit alleging that it was obtained by force. Further, the accused person denied possession of the government trophy and insisted that it was a goat meat.</p>

Charges	Unlawful possession of government trophy contrary to paragraph 14 (d) of the 1 st Schedule to Section 60 (2) of the Economic and Organized Crimes Control Act, Cap 200 read together with section 70 (1) and (2) (1b) of Wildlife Conservation Act, Cap 383 R.E 2002
SPECIES	
Name	Grant gazelle
Value	Tshs. 192,000/=
Processed/Not processed	Not processed
Legislation (principal and ancillary legislation)	Economic and Organized Crimes Control Act, Cap 200 R.E. 2002 Wildlife Conservation Act, Cap 283 R.E 2002
Cases cited	-
International instruments	-
Decision	Acquittal
Basis of the decision (reasons)	The Prosecution side failed to prove that actually the accused person was in possession of Government Trophy to wit, Gazelle Meat. The Hon. RM reasoned that the failure of the prosecution to call the cell leader of the area where the accused person was apprehended is a serious mistake. On the other hand, the accused person was able to call his uncle who testified that he was the one who give the goat meat to the accused person. Therefore, the accused person, according to the Hon. RM managed to cast a doubt on the prosecution case. Owing to this, the Hon. RM gave the accused person benefit of doubt.
Legal issues raised in judgment	Whether accused person was found in possession of Government Trophy
Penalty	-
OTHER CONTEXTUAL INFORMATION	
Context	

Appealed/Not appealed	Not appealed
Bail	The accused was granted bail by the Court
Opinion on the case	